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Attorneys for Plaintiff
Johnny Doe, a minor and through his Guardian, Jane Doe, on
behalf of himself and all others similarly situated

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHNNY DOE, a minor, by and through his
Guardian, JANE DOE, on behalf of himself and all
others similarly situated,

Plaintiff,

vs.

EPIC GAMES, INC., a North Carolina
corporation,

Defendant.

Case No. 4:19cv3629-YGR

**DECLARATION OF JANE DOE IN
SUPPORT OF PLAINTIFF'S OPPOSITION
TO DEFENDANT'S MOTION TO COMPEL
ARBITRATION, OR IN THE ALTERNATIVE
TRANSFER.**

CLASS ACTION

1 I, Jane Doe, hereby declare as follows

2 1. I make this Declaration upon personal knowledge and in support of Plaintiff's Opposition
3 to Defendant Epic Games, Inc.'s Motion to Compel Arbitration or in the Alternative Transfer (ECF No.
4 21). I am Plaintiff Johnny Doe's legal guardian and parent. I am over twenty-one years of age and not
5 under any legal disability. If called and sworn as a witness, I would testify competently and truthfully as
6 to the facts in this Declaration.

7 2. I reside with my son and Minor Plaintiff, Johnny Doe in this District, *i.e.*, the Northern
8 District of California, in the San Francisco Bay Area. Johnny downloaded the Fortnite game at issue in
9 this District; he played the Fortnite game in this District. Any alleged execution of the original and
10 amended EULAs must have occurred in this District.

11 3. Johnny does not recollect seeing, reading or agreeing to the EULA and I did not see, read,
12 or agree to Defendant's EULA at the alleged time of Johnny's acceptance.

13 4. We also do not recollect, similar to the original EULA, seeing, reading or agreeing to the
14 amended EULA that was allegedly executed on June 7, 2019.

15 5. I did not authorize him to accept the original EULA or the amended EULA.

16 6. All acts relating to the dispute including the in-App purchases occurred in this District.

17 7. Any contract between Johnny and Defendant would have been formed in California, where
18 Johnny was playing the game, including any alleged click through of the EULAs.

19 8. Johnny has used his own money received from friends or grandparents through gift cards to
20 make in-app purchases.

21 I declare under penalty of perjury under the laws of the United States that the foregoing is true and
22 correct. Executed this 9th day of September, 2019 in California.

23
24 

25 Jane Doe
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 4000 MacArthur Boulevard, East Tower, Suite 500, Newport Beach, California 92660.

On September 9, 2019, I caused the document(s) listed below to be served to the address(es) and by the method of service described as follows:

**DECLARATION OF JANE DOE IN SUPPORT OF
OPPOSITION TO DEFENDANT'S MOTION TO COMPEL
ARBITRATION, OR IN THE ALTERNATIVE TRANSFER**

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☒ (BY E-SERVICE) I electronically transmitted the above-described document(s) using the CM/ECF system for filing, which will transmit the document electronically to all registered participants as identified on the Notice of Electronic Filing, and paper copies have been served on those indicated as non-registered participants on this date.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on September 9, 2019 at Newport Beach, California.


Lisa Hyska